

WARREN H. NELSON, JR. # 104744
A PROFESSIONAL CORPORATION
6161 El Cajon Boulevard, # 273
San Diego, CA 92115
Telephone: 619 269 4212
Facsimile: 619 501 7948
Email: nelson@rolando.sdcoxmail.com

Attorney for Defendants
MINNESOTA LIFE INSURANCE COMPANY and
STANDARD INSURANCE COMPANY

MICHAEL B. HORROW # 162917
DONAHUE & HORROW LLP
222 N. Sepulveda Blvd, 20th Floor
El Segundo, CA 90245
Telephone:
Facsimile
Email: mhorrow@donahuehorrow.com

Attorney for Plaintiff
RANDY R. MITCHELL, D.D.S.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RANDY R. MITCHELL D.D.S.,) Case No.: C 07-05722 CRB
)
Plaintiff,) STIPULATION AND PROPOSED ORDER
) TO EXTEND DATE OF INITIAL CASE
vs.) MANAGEMENT CONFERENCE
)
) No Hearing Set or Required.
MINNESOTA LIFE INSURANCE)
COMPANY, STANDARD INSURANCE)
COMPANY, AND, DOES 1 through)
10, inclusive,)
)
)
Defendants.)

I. STIPULATION

Pursuant to paragraph 4 of the Standing Order of the Hon.
Charles R. Breyer, the parties, plaintiff Randy R. Mitchell,
D.D.S. and defendants Minnesota Life Insurance Company and

1 Standard Insurance Company, jointly stipulate to and jointly
2 request that the Court enter the Proposed Order that follows.
3 The Proposed Order changes the date of the Initial Case
4 Management Conference ("CMC") in this case and also adjusts the
5 dates of filings and other activities required prior to the CMC.

6 There is **GOOD CAUSE** for the requested changes:

7 First, the CMC was originally scheduled for February 20,
8 2008. The parties proceeded to pay for and schedule an all-day
9 private mediation on February 22, 2008 in Encino, California,
10 before mediator Jeffrey Krivis, Esq. Following reassignment of
11 this matter from Magistrate Judge Chen, the CMC was re-scheduled
12 from February 20 to February 22, 2008, the same day the private
13 mediation is scheduled for. The parties have tried to change
14 the date of the private mediation but the various schedules of
15 the mediator and the parties and their counsel would not permit
16 the change.

17 In any event, **GOOD CAUSE** further exists for changing the
18 date of the CMC and associated pre-CMC filings and activities to
19 a date following the private mediation. To the extent that the
20 parties can focus their entire efforts and expenditures on the
21 upcoming mediation, settlement possibilities are maximized and
22 the CMC and related filings and activities may be unnecessary.
23 And, the parties have voluntarily agreed to exchange documents
24 and information necessary to conduct the private mediation.
25 The parties therefore stipulate and jointly request that the

26 --

27 --

28 --

1 Court issue an Order in the form of the following Proposed
2 Order.

3 Dated: January 25, 2008

4 /s/
WARREN H. NELSON, JR.
5 A PROFESSIONAL CORPORATION
6 6161 El Cajon Boulevard, # 273
San Diego, CA 92115

7 Attorney for Defendants
8 MINNESOTA LIFE INSURANCE COMPANY
and STANDARD INSURANCE COMPANY

9 Dated: January 25, 2008

10 /s/
MICHAEL B. HORROW
11 DONAHUE & HORROW LLP
12 222 N. Sepulveda Blvd, 20th Floor
El Segundo, CA 90245

13 Attorney for Plaintiff
14 RANDY R. MITCHELL, D.D.S.

15 **II. PROPOSED ORDER**

16 The Court, having considered the foregoing stipulation of
17 the parties and determined that there is **GOOD CAUSE**, now **ORDERS**
18 as follows:

- 19 1. The Initial Case Management Conference is
20 rescheduled from February 22, 2008 to **8:30 AM on**
21 **Friday, April 18, 2008, Courtroom 8, 19th Floor,**
22 **U.S. District Courthouse, 450 Golden Gate Avenue,**
23 **San Francisco, CA 94102.**
- 24 2. The Joint ADR Stipulation shall be filed, as
25 previously required, no later than **January 30,**
26 **2008.**
- 27 3. The last day to file the Rule 26(f) Report,
28 complete initial disclosures or state objection in

1 the Rule 26(f) Report and file the Case Management
2 Conference Statement (also available at
3 <http://www.cand.uscourts.gov>) shall be moved from
4 February 13, 2008 to **April 4, 2008**. Further, all
5 pre-Case Management Conference dates and
6 activities, including Initial Disclosures, the
7 Meeting of Counsel and any other required
8 activities or actions as specified in Rules 16 and
9 26 that are keyed to or triggered by the dates as
10 changed above, shall also be deemed to have been
11 changed to conform to the dates as changed above.

12 4. The parties are reminded that they shall jointly
13 and immediately notify the Court if this matter
14 settles on or after the private mediation of
15 February 22, 2008.

16 IT IS SO ORDERED on this 1st day of february, 2008:

17 CHARLES R. BREYER
18 U.S. DISTRICT COURT JUDGE

